

72-6-205 Solicited and unsolicited tollway development agreement proposals.

- (1) In accordance with this section, the department may:
 - (a) accept unsolicited tollway development agreement proposals; or
 - (b) solicit tollway development agreement proposals for a proposed project.
- (2) The department shall solicit tollway development agreement proposals in accordance with Section 63G-6a-1403.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department and the commission shall establish rules and procedures for accepting unsolicited proposals that require the:
 - (a) private entity that submits the unsolicited proposal to comply with the minimum requirements for tollway development agreement proposals under Section 72-6-204;
 - (b) department to issue a request for competing proposals and qualifications that includes:
 - (i) a description of the proposed tollway development facility and the terms and conditions of a tollway development agreement;
 - (ii) submittal requirements;
 - (iii) the criteria to be used to evaluate the proposals;
 - (iv) the relative weight given to the criteria; and
 - (v) the deadline by which competing proposals must be received; and
 - (c) department to publish a notice advertising the request for competing proposals and providing information regarding how to obtain a copy of the request.
- (4)
 - (a) The department may establish a fee in accordance with Section 63J-1-504 for reviewing unsolicited proposals and competing proposals submitted under this section.
 - (b) The department may waive the fee under Subsection (4)(a) if it determines that it is reasonable and in the best interest of the state.

Amended by Chapter 347, 2012 General Session